

S:Shared/Grants/PO Revised Protocol (01/13/2011)

**EPA PROJECT OFFICER POST-AWARD EVALUATION PROTOCOL**  
**(USED FOR ADVANCED AND BASELINE MONITORING)**  
**CHESAPEAKE BAY PROGRAM OFFICE (CBPO)**

**BACKGROUND INFORMATION (PART 1)**

<b>MID YEAR/SIX MONTH:</b> yes	<b>GRANT NUMBER(s):</b> FY 2010-14 CB-973945-01	
<b>1. DATE PREPARED:</b> 11/29/11	<b>2. RECIPIENT NAME:</b> PA DEP	
<b>3. ENTER ALL DATES:</b>  <b>a. OFF-SITE CONFERENCE CALL DATE:</b> 11/29/11  <b>b. ON-SITE REVIEW DATE:</b> (enter date if applicable, otherwise N/A)  <b>c. REPORT DATE:</b> 11/29/11 (Date Report Sent by Email to Grantee)  <b>d. CLOSED DATE:</b> 11/30/11 (Date all major issues resolved, if applicable, otherwise this date is same as Report Date.)	<b>4. PROJECT OFFICER(s):</b> Nita Sylvester  <b>PARTICIPANTS/PERSONS CONTACTED:</b> (Names /Affiliations)  - <b>EPA:</b> Nita Sylvester  - <b>GRANTEE:</b> Marge Hughes, David Lewis of PA DEP	
<b>5. TYPE OF EVALUATION:</b> Off-site Evaluation		
<b>6. <u>AWARD INFORMATION</u></b>  Grant	<b>8. <u>PROJECT / BUDGET PERIOD DATES:</u></b>	
	<b>BEGINNING</b>	<b>ENDING</b>
	Project Period: 7/1/10	6/30/14
	Budget Period: 7/1/10	6/30/14
<b>7. <u>AWARD AMOUNT</u></b>  EPA share: \$2,466,819.00  Recipient share/Match: \$2,466,819.00  Total: \$4,933,638.00	<b>9. <u>BRIEF PROJECT DESCRIPTION:</u></b> This project contains activities designed to reduce nutrient and sediment loads that cause or contribute to the impairment of water quality standards in the Chesapeake Bay and its tidal tributaries. This work will help to achieve and maintain the water quality necessary to improve the aquatic system health of the Chesapeake Bay ecosystem.	

**BACKGROUND INFORMATION (PART 1) CONTINUED**

**10. PROVIDE BRIEF DESCRIPTION OF RECIPIENT:** Response: The state of PA is a signatory to the 1983, 1987 and 2000 Chesapeake Bay agreements. The DEP is the lead state agency for implementing Bay restoration and water quality improvement activities in the Potomac and Susquehanna river basins.

**11. DESCRIBE THE GRANT WORK-PLAN COMMITMENTS:**

- **Conduct Watershed Implementation Plan (WIP) outreach.** WIP Outreach objective will support several public outreach sessions necessary to develop the Phase 2 WIP. Further, this objective will provide assistance and develop tools to assist farmers and the regulated community in the development of strategies to reduce nutrient and sediment loads delivered to the Bay.
- **Provide an unbiased review of nutrient trading proposals and submitted nutrient reduction activities that could equate to the generation of nutrient reduction credits.** Establish an independent technical review team to support the Nutrient Trading Program. The Review Team would submit reports on individual trading proposals and provide feedback on technical issues, including the review of guidance produced by the Department to assist with the credit calculations and proposal submission and review. DEP expects to hire a contractor to assist with the Team management. The Review Team will review nutrient trading proposals in NRCS targeted watersheds or those watersheds with the highest incidence of agricultural operations out of compliance or in areas that have been identified as a source of excessive nutrient/sediment loads. Target areas or target practices identified by COAST and SPARROW will be prioritized for review.
- **Improve /expand regulation of sources of nitrogen, phosphorus and sediment delivered to the Bay.** This objective will support one new staff position to manage Pennsylvania's CAFO and agricultural regulatory program. This position will support the review/revision (as needed) of PA's CAFO program; manage development of Chapter 102 Erosion & Sediment Control guidance and outreach efforts to support Chapter 102 regulation revisions for agriculture; manage development and outreach efforts to support Manure Management Manual revisions. Agricultural operations within target areas identified by NRCS, COAST or SPARROW will receive priority attention.
- **Improve enforcement and compliance assurance.** This objective will support four new staff positions to provide regional compliance and inspection actions for Pennsylvania's CAFO, stormwater and agriculture regulatory programs. These positions will support increased field presence for additional inspections of non-CAFO agricultural operations. These positions would also support increased compliance activities under Chapter 102 Erosion & Sediment Control regulations, Chapter 91.36 relating to manure management, and local stormwater complaints.
- **Improve tracking of point and non-point sources of pollution.** This objective will support contractor assistance to assist Pennsylvania in managing water quality information related to Chesapeake Bay nutrient and sediment related problems. This assistance will also support existing staff input and monitor Pennsylvania's Chesapeake Bay reporting and model efforts.

**12. DISCUSS PREVIOUS RECOMMENDATIONS/CONCERNS/OPEN PROGRAMMATIC FINDINGS, IF ANY EXIST; ARE THEY OR WILL THEY BE REMEDIED?:**

a. If applicable, Previous Recommendations/Concerns listed in this Item 12 on Last Monitoring Review Report. Discuss if they will or will not be remedied? Response: N/A

**b. Open Programmatic Findings in Last Monitoring Review (Refer to Part II, Item 7, PO Suggestions and Recommendations).** If applicable, are there any open programmatic findings for this Award in last monitoring review (could not provide a “closed date” on last monitoring review report because of major finding(s))? Provide date of resolution and explanation on how finding(s) have been resolved. Response: N/A

## **RESULTS OF REVIEW WITH RECOMMENDATIONS (success & findings) - PART II**

### **1. Scope of Review: Summarize the purpose of your review.**

If appropriate, list issues that will be raised for resolution during the review (e.g., need response on why the recipient spent half of the grant award and hasn’t produced a literature review).

Response: The purpose of this review is to determine progress on the variety of projects completed under the FY’10-14 Chesapeake Bay Regulatory and Accountability Program (CBRAP) Grant from 9/1/10- 6/30/11. PA submitted their semi-annual report under this grant on 10/3/11. EPA provided comments on 10/21/11 and PA submitted a revised report on 11/21/11. EPA provided comments on 11/28/11 and PA submitted a revised report on 11/28/11. EPA accepted the report on 11/29/11. This review is based upon the accepted report.

### **2. Financial: POs are responsible for:**

*>Analyzing the budget information in the reports by reviewing the payment history (using recipient progress reports, Financial Status Reports, or Financial Data Warehouse reports) and comparing actual amounts spent against the planned budget in the work plan.*

*>Providing rebudget approval to the Grants Specialist on the recipients request to rebudget grant funds or on other actions which require prior approval from EPA.*

### **PO to Review, Discuss, and Respond:**

**a. Is this award incrementally funded?** Response: yes

**b. Has the recipient begun work under this assistance agreement?** Response: yes

### **c. Ensure funds are available to complete the project:**

*Answer the following: As of 11/23/11*

\*Amount of EPA funds awarded: \$2,466,819.00 for 5 years of work

\*Amount of EPA funds paid: \$312,809.21

\*Remaining Balance: \$2,154,009.79

% of Project Completed: Objective 1, 2, 5 are proceeding on schedule for outputs expected to be completed in the first year of the 5 year project period; Obj. 3 and Obj. 4 are behind schedule for outputs expected to be completed in the first year. See section 3 b. for explanations.

% of Funds Paid: 13% (20% should have been spent in the first year. See item f. for explanation.)

\* Information found on Financial Data Warehouse Report at

[http://oasint.rtpnc.epa.gov/neis/grant\\_web.grant\\_inquiry](http://oasint.rtpnc.epa.gov/neis/grant_web.grant_inquiry)

**d. Has the recipient made any drawdowns on this award since the award date or last monitoring review?** Response: yes

**e. Is the payment history consistent with the progress to date?** Response: yes

**f. Are the expended and remaining funds reasonable?** Response: Yes. The project and budget period for the grant spans five years and the funds awarded in FY10 are planned to be spent over five years (primarily for annual salaries for five new PADEP positions), so only 20% of the funds are expected to have been spent by 6/30/11. Although the grantee requested a 7/1/10 start date and pre-award costs were approved by the EPA project officer, the grantee waited until funds were awarded (on 9/1/10) before initiating solicitations for the new staff positions to be filled, and initiating solicitations/making obligations for subawards/contracts. This explains why only 13% of the funds have been spent, instead of 20%.

**g. Does this review indicate any need to amend the award?** Response:

- After the award was made, the grantee requested a revised budget to move funds into the travel, equipment and supplies categories. Since the amount requested for re-budgeting was less than 10% of the current total approved budget, the request was approved by the project officer on 12/22/10 and no formal amendment was needed.
  - The grant is in the process of being amended to add federal FY11 funds in the amount of \$2,666,819 (with a state match of \$2,666,819), to extend the project and budget period to 6/30/2016, and to revise the workplan to include a new objective (objective 6) and additional outputs in objective 1.
  - **Verify with recipient if there is enough funding in place to cover expected costs?** If no, provide explanation. (*Contact either Lori Mackey or Ronnie Kuczynski for assistance to possibly add funds*)
- Response: yes

- **Are the Project/Budget Period(s) long enough to cover the time that it will take to complete the project?** If no, provide explanation. (*Contact either Lori Mackey or Ronnie Kuczynski for assistance prior to requesting time extension request from recipient.*)

Response: yes – award is being amended to extend the budget and project period to June 30, 2016

**h. Does the recipient require any PO/Grant Office approvals/amendments for cost or activities not included in the original award? Respond to the following:**

- **Significant changes or re-budgeting over 10% of award total (as applicable).** Response: yes  
The grant is in the process of being amended to add federal FY11 funds in the amount of \$2,666,819 (with a state match of \$2,666,819), to extend the project and budget period to 6/30/2016, and to revise the workplan to include a new objective (objective 6) and additional outputs in objective 1.
- **Re-budgeting between direct and indirect costs (Part 30 or 31 recipients only).** Response: no

- **Equipment costs not included in the original award.** Response: yes. After the award was made, the grantee requested a revised budget to move funds into the travel, equipment and supplies categories. Since the amount requested for re-budgeting was less than 10% of the current total approved budget, the request was approved by the project officer on 12/22/10 and no formal amendment was needed.
- **Changes in key personnel.** Response: no
- **Unplanned travel expenses** Response: yes. After the award was made, the grantee requested a revised budget to move funds into the travel, equipment and supplies categories. Since the amount requested for re-budgeting was less than 10% of the current total approved budget, the request was approved by the project officer on 12/22/10 and no formal amendment was needed.
- **Changes in the project's approved scope of work.** Response: The grant is in the process of being amended to add federal FY11 funds in the amount of \$2,666,819 (with a state match of \$2,666,819), to extend the project and budget period to 6/30/2016, and to revise the workplan to include a new objective (objective 6) and additional outputs in objective 1.

**3. Technical: POs are responsible for:**

- > *comparing the recipient's work plan/application to actual progress under the award.*
- > *monitoring all activities and the recipient's progress on the project.*
- > *providing comments to the recipient on the progress reports and other work products.*
- > *apprizing program staff who are responsible for parts of the project/program on issues which need resolution.*
- > *recommending actions that require the attention of Grants Office or others.*

**a. List work plan/application tasks, compare to actual work progress, and identify areas of concern cited in the progress report. Provide a summary of each task and current status:**

Response:

#	Objective	Programmatic Outputs	FY'10-14 Progress
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1	WIP Outreach	<p>A. 10 Outreach Sessions to County Conservation District staff to describe new/revised regulatory requirements of Chapter 102 &amp; Manure Management Manual revisions and their requirements under them. (Dec 2011)</p> <p>B. 10 WIP Outreach sessions (Oct 2012)</p> <p>C. 10 Outreach Sessions to ag community to describe new/revised regulatory requirements of Chapter 102 &amp; Manure Management Manual revisions (Oct 2012) and present plan development and implementation opportunities.</p> <p>D. Conservation plans and manure management plan development tools</p>	<p><u>Outputs Progress:</u></p> <p>A. N/A (work not to be completed until 12/2011)</p> <p>B. N/A (work not to be completed until 12/2011)</p> <p>C. Three training sessions were held on February 24th, March 2nd and March 10th for approximately 200 people. The training was aimed at staff from USDA Natural Resources Conservation Service (NRCS), PA Department of Environmental Protection (DEP), and Conservation Districts who are involved in agricultural erosion and sediment control plans and conservation planning. Speakers from NRCS and DEP answered the question: What is an Agricultural Erosion &amp; Sedimentation Plan, and presented a detailed review of the Chapter 102.4 (a). Examples of the requirements for Ag E&amp;S plans are: maps, treatment of animal heavy use areas, near stream cover requirements, and tolerable soil loss conditions for crop fields were reviewed. In 2011, DEP revised the conservation district Bay technician contracts for 2011-2012 to include specific tasks to expand outreach for agriculture. The scope of work in these technician contracts required these 42 staff to undertake 100 site visits per staff person – or equivalent staff person. DEP expects nearly 4,000 site visits to be completed by June 2012. Over 200 were conducted by September 2011. Significant training of staff via webinar and supplies of outreach material were provided. DEP press release was made and significant positive press coverage was received.</p> <p>D. Pennsylvania expanded outreach to ag community to increase compliance with Chapter 102 and manure management requirements. Prepared “Am I in Compliance” brochure with distribution of ~20,000 copies since January 2011. Prepared “Ag E&amp;S Barn sheet” for use in conservation district 100 site visits.</p>
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2	Nutrient Trading Independent Review	<p>A. Develop and document the submittal process for innovators submitting new technologies (Dec 2011)</p> <p>B. Recruit experts who are willing and available to assist with reviews as new technologies or innovative practices that apply to their field of expertise are submitted. (Dec 2011)</p> <p>C. Complete evaluation of multiple new technologies and submitted results to DEP with effectiveness values for new technologies that reflect differences in geography, such as soil type, physiographic region, dominant agricultural practices, crop and animal type, and other such criteria. (June 2012)</p> <p>D. Perform an assessment of the review process using adaptive management principles, and recommend changes. (June 2012)</p> <p>N.B. The Review Board will meet only as requests for review of new technologies and BMPs are received.</p>	<p><u>Outputs Progress:</u></p> <p>A and B. Not expected to be completed until Dec 2011.</p> <p>C and D. Not expected to be completed until June 2012.</p> <p>The review panel is not yet in place. DEP staff have worked with the intended contractor to try to establish a contract and the appropriate terms for that contract. A contract is expected to be in place during the next reporting period. Staff will continue to pursue the establishment of a third party review team that falls in line with what was outlined in the original CBRAP request.</p>
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3	Improved Regulation of Nutrients & Sediment	<p>A. Manure Management Manual revisions (June 2011)</p> <p>B. Chapter 102 Erosion &amp; Sediment Control Administrative Manual (Dec 2011)</p> <p>C. Erosion &amp; Sediment Control Delegation Agreement (June 2011)</p> <p>D. 10 Outreach Sessions to ag community to describe new/revised regulatory requirements of Chapter 102 &amp; Manure Management Manual revisions. (June 2011)</p> <p>E. 10 Outreach Sessions to County Conservation District staff to describe new/revised regulatory requirements of Chapter 102 &amp; Manure Management Manual revisions. (June 2011)</p>	<p><u>Outputs Progress:</u></p> <p>A. The final Draft of Manure Management Manual has been completed and presented to the PA Agricultural Advisory Board June 15, 2011. The final Manual is expected to be completed during the next reporting period.</p> <p>B. Continued work on revising CAFO general permit and coordinating with EPA.</p> <p>C. Continuing discussions with the joint committee of DEP, the State Conservation Commission and conservation districts to draft appropriate delegation language.</p> <p>D. No progress</p> <p>E. Three Chapter 102 outreach sessions held February 24th, March 2nd and March 10th which were attended by approximately 200 agency and conservation district staff.</p>
4	Enforcement and Compliance Assurance	<p>First year of the grant (positions will be filled for 6 months):</p> <p>A. 225 ag inspections</p> <p>B. 25 stormwater inspections</p> <p>C. 50 compliance actions</p> <p>Remainder of grant period:</p> <p>D. 450 ag inspections (annual)</p> <p>A. 50 stormwater inspections (annual)</p> <p>B. 100 compliance actions (annual)</p>	<p><u>Outputs Progress:</u></p> <p>A. 57 Ag inspections</p> <p>B. 0 Stormwater inspections</p> <p>C. 31 Compliance actions</p> <p>Met with relevant conservation districts to plan various inspections and site visits. Assessed fines and engaged in compliance and inspection activities throughout the watershed. Provided enhanced field presence for DEP implementation of new Chapter 102 erosion &amp; sedimentation control regulations.</p>



5	Improved Tracking and Accountability	<p>A. Develop state tracking systems compatible with Chesapeake Bay Program system for Growing Greener projects, Non-Point Source projects, Nutrient Management Plan activities, and the Chesapeake Bay Implementation Grant.</p> <p>B. Prepare an updated QAPP for the reporting of BMP data to the Chesapeake Bay Program that reflects any improvements that result from Objective #5 work. Updated QAPP will be submitted by June 30, 2011.</p>	<p><u>Outputs Progress:</u></p> <p><b>Activities for the 1/11/11 – 6/30/11 time period:</b></p> <p>A. Participation in meetings, conference calls and various activities related to the identification and description of procedures/methods for capturing information on “voluntary” (i.e., non -cost-share) implementation of BMPs and similar mitigation measures. This included meetings with the National Association of Conservation Districts.</p> <p>A. Participation in meetings/discussions at DEP related to the development of approaches/protocols for compiling information of urban BMPs collected at DEP, but not recently submitted to EPA via NEIEN.</p> <p>A. Meetings, phone calls and other activities related to the resolution of discrepancies involving the proper crediting of BMPs submitted via NEIEN by Pennsylvania, and the subsequent representation of units and land cover types within the Bay watershed model (Phase 5) based on data submitted via NEIEN.</p> <p>A. Preliminary discussions with DEP staff regarding the development of a web application (Greenport) for automating the collection of BMP information for later transmittal to EPA via NEIEN.</p> <p>B. Assistance in collecting/analyzing data for use in Chesapeake Bay 2012-13 milestone estimates.</p> <p>B. Discussions with EPA and others regarding appropriate crediting of stormwater BMPs in Pennsylvania.</p> <p>B. Prepared and submitted updated QAPP of the NEIEN BMP report procedures on 6/30/11. It was reviewed by EPA and resubmitted 8/17/11.</p> <p><b>Activities for the 9/1/10 -12/31/10 time period:</b></p> <p>Refer to the previous semi-annual monitoring report.</p>
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**b. Is the work under the agreement on schedule?** Response: Yes for objectives 1, 2 and 5; behind schedule for objectives 3 and 4.

Objective 3: PA is behind schedule on outputs A, C, D and E. The DEP Central Office staff position was hired and began work on February 26, 2011. This position plays a key role in completion of these outputs. In addition, many of the outputs are tied to the finalization of the Manure Management Manual. PA has subsequently revised the expected completion dates for all of the outputs (per revised workplan submitted with the request for FY11 funds).

Objective 4: PA is behind schedule on outputs A, B and C. In general, compliance and limited-term positions are difficult to fill. In addition, the process to fill such positions cannot be initiated until funding is in place. Three of the four staff positions have been filled. The final position is expected to be filled prior to the next report. The Department expects once all positions are filled that the annual outputs will be back on schedule.

**c. Is the actual work being performed within the scope of the recipient's work plan?** Response: yes

**d. Are the recipient's staff and facilities appropriate to handle the work under the agreement?** Response: yes – they are still trying to hire a new position in the North Central Office, but are having difficulties competing with jobs being offered in that region (due to Marcellus Shale) to people with similar technical expertise.

**e. Based upon the progress reports and this review, is the recipient:**

- **Generally submitting progress reports as required in the award and on time?** Response: yes
- **Submitting products/progress reports that are acceptable?** Response: yes
- **Has the recipient been notified in writing that the products/progress reports received to date are acceptable or not acceptable and the project file documented accordingly? If not, please notify the recipient and document the project file as a result of this monitoring review.** Response: yes

**Meeting milestones and/or targets described in the award and/or scope of work?** Response: Yes for objectives 1, 2 and 5; behind schedule for objectives 3 and 4.

Objective 3: PA is behind schedule on outputs A, C, D and E. The DEP Central Office staff position was hired and began work on February 26, 2011. This position plays a key role in completion of these outputs. In addition, many of the outputs are tied to the finalization of the Manure Management Manual. PA has subsequently revised the expected completion dates for all of the outputs (per revised workplan submitted with the request for FY11 funds).

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***Note: Questions f. and g. pertain to environmental results. If your grant was awarded on or after January 1, 2005, the official date the Environmental Results Policy became effective, answer both g. and h. The CBP Grant and Cooperative Agreement Guidance states that the recipient is required to attach to each applicable performance report (semi-annual, quarterly, or final) an updated Work Plan and Progress Made Performance Results Under Assistance Agreements Form that was submitted with the grant application. If not received, obtain copy from recipient to assist in responding to questions g. and h. and to document file. If your grant was awarded prior to January 1, 2005, answer both questions as "NA".***

**f. Is the recipient making agreed-upon progress in meeting environmental results and/or environmental outcomes and outputs (to the maximum extent practicable)** Response: Yes for objectives 1, 2 and 5; behind schedule for objectives 3 and 4.

Objective 3: PA is behind schedule on outputs A, C, D and E. The DEP Central Office staff position was hired and began work on February 26, 2011. This position plays a key role in completion of these outputs. In addition, many of the outputs are tied to the finalization of the Manure Management Manual. PA has subsequently revised

the expected completion dates for all of the outputs (per revised workplan submitted with the request for FY11 funds).

Objective 4: PA is behind schedule on outputs A, B and C. In general, compliance and limited-term positions are difficult to fill. In addition, the process to fill such positions cannot be initiated until funding is in place. Three of the four staff positions have been filled. The final position is expected to be filled prior to the next report. The Department expects once all positions are filled that the annual outputs will be back on schedule.

**g. If the recipient is experiencing significant problems meeting agreed-upon outcomes and outputs, has the recipient been required to develop and implement a corrective action plan?**

Response: no

**4. Agreement Specific:** POs to discuss which areas apply to this agreement, otherwise, NA:

*>Reviewing progress reports and other work products to assure that the recipient is complying with the applicable programmatic regulations and programmatic terms and conditions in the agreement.*

*> Notifying Grants Office if the recipient is not complying with the terms and conditions of the agreement,*

*> Providing technical assistance to recipients when requested or required by the programmatic terms and conditions of the award.*

*>Assisting the recipient, where appropriate, with the development of a plan to conduct subsequent portions of the project.*

**a.) Pre-Award Costs:** (For more information on pre-award costs, please review: 1) GPI-00-02 (a) entitled, "Clarification on GPI 00-02 Modification to Policy Guidance for 40 CFR Part 31 Pre-Award Costs," (May 3, 2000); 2) 40 CFR 30.25(f)(1) or 40 CFR 30.28 and; 3) 40 CFR 31.23.)

• **Did the recipient incur costs prior to receiving the award?** Response: no

• **If so, was the recipient's written request approved by the PO, file documented, and included on the assistance agreement?** Response: N/A

**b.) Programmatic Conditions, Regulatory, and Statutory Requirements:**

**1. Programmatic Conditions:**

**a. Is the recipient complying with applicable programmatic terms and conditions of the award?**

Response: yes

**b. Has the recipient submitted Quality Assurance Project Plan (s) (QAPP)? If not applicable, list N/A?** Response: yes

**c. Has the recipient submitted Quality Management Plan(s) (QMP)? If not applicable, list N/A?**

Response: yes

**d. If applicable, is an approved QMP/QAPP plan documented in file?**

(If QMP/QAPP not in file or approved, find out why? Contact is Mary Ellen Ley.)

Response: yes

**e. Are all personnel responsible for implementing the QMP/QAPP familiar with its requirements?**

Response: yes

**2. Statutory and Regulatory Requirements:** (*Statutory pertains to Clean Water Act, Sec 117; Regulatory pertains to 40 CFR Part 30 for Non-Profit Organizations and Universities and Part 31 for State and Local Governments.*)

**a. Have all Statutory requirements been met?** Response: In support of the Clean Water Act, Section 117, this project (*insert what project is providing*), which is in support of Chesapeake 2000 Agreement - Water Quality Protection & Restoration - to achieve and maintain the Water Quality necessary to support the aquatic living resources of the Bay and its tributaries and to protect human health.

**b. Have all Regulatory requirements been met?** (*Use this statement provided the requirements in the applicable 40 CFR Part 30 or 31 requirements are being met.*) Response: All regulatory requirements are being met.

**c.) Equipment/Supplies:**

**1. Did the recipient purchase equipment as planned in the agreement and was it used as planned?**

Response: Equipment (3 vehicles) had not yet been purchased.

If so, request a list of equipment indicating each item purchased and the date and dollar amount of purchase. Attach list to this protocol. (*Note: Each item and its cost must be approved in recipient's budget and purchased only during the budget/project period of this assistance agreement.*)

**2. Did the recipient purchase supplies as planned in the agreement and was it used as planned?**

Response: yes

(*Note: Requested and approved supplies should represent only the supplies that are needed to complete the approved workplan. Supplies must be purchased only during the budget/project period of this assistance agreement.*)

**d.) Travel: Was this authorized in the agreement and was it carried out appropriately?**

Response: yes

**e.) Conferences: Did the conference comply with the Best Practices Guide for Conferences?**

Response: N/A

**f.) Contracting practices: Written Code of Conduct/Ethics: Federal regulations require recipients to establish codes of conduct to eliminate any potential conflict of interest and to establish**

disciplinary actions for those violating the standards. *Note: (The minimum requirements are outlined in 40 CFR 30.42, Non-Profit Organizations, Universities; 40 CFR 31.36(3), State and Local Governments.)*

**1. Contractual Costs:** Were contractual/subcontract costs authorized in the assistance agreement? Costs must be approved in the contractual budget category in the assistance agreement.

Response: yes

**a. If yes, answer the following questions:**

B are costs consistent with the approved work plan? yes

B budget category reflects funds for contracting? yes

B the recipient reprogrammed funds to contracting? no

B subcontracts SOW consistent with scope of the assistance agreement? yes

**2. Does grant recipient have written contracting procedures?** Response: yes

**3. Competition:** Was the contract competed/sole source; files documented? Response: yes

**g. Subawards:** Subaward Policy, effective May 15, 2007, requires all new awards and supplemental amendments awarded on or after May 15, 2007 must meet the requirements of the Directive. Subaward costs must be included under the “Other” budget cost category in the assistance agreement.

**1. Does the work plan contain subaward work?** Response: yes

**a. If yes, does the recipient have subawards pertinent to the agreement/amendment work plan?**

Response: yes

**b. If yes, is the recipient complying with the subaward policy requirements?** yes

**h.) Program Income:** (POs must work with the recipient to resolve program-income related issues on agreements that generate program income.)

• Did the project generate unanticipated program income? Response: N/A

**i.) EPA-Furnished In Kind:** Was this satisfactorily used in the assistance agreement?

Response: N/A

**j.) Recipient Furnished/Third Party In Kind:**

• Met the conditions under 40 CFR 30.23 and 40 CFR 31.24? Response: N/A

- Were any adjustments made to the cost share? Response: N/A

**5. Closeout Process (Applicable to Closeout Review):** Closeout of the award occurs when all applicable administrative actions and all required work of the grant has been completed.

**Note:** (Project Officer should be aware of the recipients responsibility in the closeout process and review the general regulations (40 CFR 30.71 Universities & Non-Profits and 40 CFR 31.50 State and Local Governments) on Closeout Requirements with grantee.)

- a. Are any funds remaining? If so, why and what tasks were not completed? Response: N/A
- b. Has the Final Technical Report been submitted, reviewed, and approved? Response: N/A

**c. Equipment/Supplies:** *Project Officers should be aware and review with the recipient the disposition requirements outlined in 40 CFR 30.34 and 30.35 for Non-Profit Organizations and Universities; 40 CFR 31.32 and 31.33 for State and Local Governments. If the recipient no longer needs the equipment, please request from the recipient a list of equipment purchased, its fair market value and date of purchase.*

- Is the recipient keeping the equipment? Response: N/A
- Is the recipient keeping the supplies? Response: N/A

**6. Based upon PO review and knowledge of this award, does PO recommend:**  
(Yes or No Response required)

**a. Award Amendment: Prior to responding, refer back to Part II, Items 2g & 2h on this report.**  
Response: Yes. The grant is in the process of being amended to add federal FY11 funds in the amount of \$2,666,819 (with a state match of \$2,666,819), to extend the project and budget period to 6/30/2016, and to revise the workplan to include a new objective (objective 6) and additional outputs in objective 1.

**b. Advanced Programmatic Monitoring: If needed, discuss with Lori or Ronnie to either add to current list, if not already on, or next year's PO Advanced Programmatic Monitoring List in the Post Award Monitoring Plan.** Response: no

**c. Administrative Review completed by Grants Office: Respond "No". If major concerns exist to check "Yes", discuss with Lori or Ronnie prior to responding to this question.** Response: no

**d. OIG Referral: Respond "No" If major concerns exist to check "Yes", discuss with Lori or Ronnie prior to responding to this question.** Response: no

**e. More Frequent Baseline Monitoring Reviews (less than every six months)** Response: no

**7. Project Officer Suggestions and Recommendations (define as either major or minor):**

***Note: (Recommendations should have corresponding routes to/for resolution specified in report. Also, when major recommendations are made, EPA should explicitly require the recipient to develop and submit a corrective action plan to address the major recommendation.)***

Response: Minor

- For objective 1, please provide information needed to complete the “Checklist for Determining the Allowability of Costs for Light Refreshments and Meals Under Assistance Agreements” in order for FY11 \$\$ to be added to this grant. Also, please confirm that no grant \$\$ will be used to fund outreach sessions or training in objective 6. If this is not the case, please provide information needed to complete the “Checklist for Determining the Allowability of Costs for Light Refreshments and Meals Under Assistance Agreements” in order for FY11 \$\$ to be added to this grant.
- For objective 2, please be sure to provide answers to the following questions: Will the independent review team be comprised of PA government personnel and external experts (or both)? How long is the review process of a proposal (to completion of the report) expected to take? (i.e. Is this a lengthy process?) What types of duties would the contractor be doing under the term "Team management?" Are the experts paid for their time spent serving on this review team? Are the Dec. 2011 deadlines still possible? Is it known to the people who would submit proposals how to do that?
- The next semi-annual progress report will be due on April 1, 2012.
  - Please be sure to use the correct template for submitting the report. Please be sure to report not only the outputs for the July 1, 2011 – Dec 31, 2011 period, but also include the cumulative outputs since the July 1, 2010 start date.
  - Please specify staff funded under each objective (including staff working on objectives via subawards/contracts). Who are they and who is their employer?
  - Obj. 5, please be sure to discuss specific outputs they plan to have for this upcoming year from the contractor.
  - For objective 6:
    - please be sure to discuss how you are and/or plan to target where the funds are being/will be spent.
    - explain the % of salary/benefits for the 36 conservation district staff that will now be covered by CBRAP funds. What is being used to fund the rest of their salary/benefits? What portion of the CBRAP \$\$ is for salary/benefits and what portion is for “activities related to implementing the new Manure Management Manual”?
    - explain the types of outreach sessions you plan to conduct with the FY11 \$\$ (e.g. seminars, field days, winter mtgs); the number of farmers you expect to reach (and does this meet with your expectations? – how many farmers do you need to reach to consider your effort worthwhile?); the content to be conveyed during outreach sessions (inc. how it was conveyed); how you will evaluate if sessions are successful (e.g. what do you expect they will do as a result – e.g. will you end up with more in compliance?)

- The semi-annual MBE/WBE reports need to be submitted to the EPA R3 Grant Office 30 days after the semi-annual periods ending 3/31 and 9/30 each year.
- The next interim Federal Financial Report (FFR) for this grant is due 9/30/12. Needs to be submitted to EPA Las Vegas Finance Center.
- Please remember to comply with the provisions in the FY10, 11 and 12 CBP Grant Guidance.

**8. Recipient Recommendations and Suggestions:**

Response: The recipient wanted to mention that the recent reorganization at PA DEP did not affect the team of DEP staff who manage the CBRAP. Although they are now organized under a division with a new name, they are still working together.

**9. Identify any areas where the recipient is significantly meeting or exceeding programmatic expectations:**

Response: N/A

**10. Recommendations for the Grants Office, if any:**

Response: N/A

**RESOLUTION PLAN AND TIMING - PART III**

**Prepare Corrective Action Plan, if applicable, to address major recommendation(s):**

- 1. Tell the recipient when the corrective action plan is due, and clearly state what should be addressed.**
- 2. Tell the recipient to whom they should send the corrective action plan (EPA contact) and where to send it, including phone number.**

Response: N/A

**Note:**

1. Send a electronic copy of protocol to the recipient for comment.
  2. cc: Ronnie Kuczynski
- (Also, send to Ronnie any follow-up letters sent to recipient, and relevant e-mail messages)



